

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**H-D MICHIGAN, LLC AND  
HARLEY-DAVIDSON MOTOR COMPANY, INC.,  
Plaintiffs,**

**v.**

**Case No. 11-CV-00742**

**HELLENIC DUTY FREE SHOPS S.A.,  
Defendant.**

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**DECISION AND ORDER**

Before me now is defendant's motion to stay the anti-suit injunction that I issued on February 7, 2012. The anti-suit injunction requires defendant to dismiss a parallel lawsuit that defendant has filed in Greece, and defendant asks for a stay pending appeal. The facts relevant to this motion can be found in my order granting the injunction. In deciding whether to stay the injunction, I must consider: "(1) whether the stay applicant has made a strong showing that he is likely to succeed on the merits; (2) whether the applicant will be irreparably injured absent a stay; (3) whether issuance of the stay will substantially injure the other parties interested in the proceeding; and (4) where the public interest lies." Hilton v. Braunskill, 481 U.S. 770, 776 (1987).

For the same reasons stated in my order granting the anti-suit injunction, I do not believe that defendant is likely to succeed in overturning the injunction on appeal. Even though defendant has now presented evidence indicating that Greek courts generally disfavor anti-suit injunctions, I still believe such an injunction is necessary in this case. Defendant has not demonstrated that the issuance of an anti-suit injunction in this

particular case will harm international relations between the United States and Greece. See Allendale Mut. Ins. Co. v. Bull Data Sys., Inc., 10 F.3d 425, 432–33 (7th Cir. 1993). Moreover, defendant has not proven that it will be irreparably harmed if I deny the motion for a stay. If it turns out defendant has been wrongfully enjoined, defendant can re-file its Greek lawsuit. Defendant can also file a claim in this court for any damage it suffered as a result of the injunction. Plaintiffs have posted \$1.8 million with this court for that purpose. While the injunction does prohibit defendant from opposing plaintiffs' efforts to enforce in Greece the preliminary injunction I issued on December 20, 2011, these efforts cannot cause meaningful harm to defendant. Regardless of what the Greek court does, defendant is bound by the preliminary injunction because defendant is a party to this lawsuit and is subject to personal jurisdiction in this court.

**THEREFORE, IT IS ORDERED** that defendant's motion to stay the anti-suit injunction [Docket #105] is **DENIED**.

Dated at Milwaukee, Wisconsin, this 22nd day of February 2012.

s/ Lynn Adelman  
LYNN ADELMAN  
District Judge